

MAY 10, 2007

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DISTRICT

RECEIVED

LARRIE HOPE # 181215
PLAINTIFF

2007 MAY 14 A 10:01

U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

CASE NO. 2:07-CV-210 - MHT

V.
RICHARD ALLEN ET. AL.
DEFENDANTSPLAINTIFFS' MOTION FOR APPOINTMENT OF COUNSEL.

COME NOW THE PLAINTIFF LARRIE HOPE, PURSUANT TO 28 U.S.C. 1915(E)(1),
MOVES FOR AN ORDER APPOINTING COUNSEL TO REPRESENT him in THIS CASE.
IN SUPPORT OF THIS motion, PLAINTIFF STATES:

- (1) PLAINTIFF FILES THIS MOTION DUE TO him not being LETTER IN THE LAW AND being
A LAYMAN WITH PRISON LEGAL ASSISTANCE FOR SEGREGATION UNIT AND REQUEST
APPOINTMENT OF COUNSEL TO PREPARE CASE DUE TO RETALIATION FROM ALABAMA
DEPARTMENT OF CORRECTIONS STAFF FROM "Hitching Post" CASE LARRY HOPE V.
MARK PEIZER ET. AL. CITE 536 U.S. ____ 2002.
- (2) PLAINTIFF CANNOT AFFORD TO HIRE A LAWYER, HE HAS REQUESTED LEAVE TO
PROCEED IN FORMA PAUPERIS IN THIS CASE.
- (3) PLAINTIFF IMPRISONMENT WILL GREATLY LIMIT HIS ABILITY TO LITIGATE THIS
CASE. THIS CASE WILL LIKELY INVOLVE SUBSTANTIAL INVESTIGATION AND DISCOVERY.
- (4) THE ISSUES IN THIS CASE ARE COMPLEX. A LAWYER WOULD HELP PLAINTIFF TO
APPLY THE LAW PROPERLY IN BRIEF AND BEFORE THE COURT. PLAINTIFF HAS BEFORE BEEN
THE PLAINTIFF TO A CIVIL PROCEEDING, but DUE TO PLAINTIFF NOT BEING LETTER IN THE
LAW, PLAINTIFF WAS REPRESENTED BY MR. JAMES MENDELSON OF BIRMINGHAM
ALABAMA AND MR. CRAIG JONES OF ATLANTA GEORGIA.

(5) A TRIAL IN THIS CASE WILL LIKELY INVOLVE CONFLICTING TESTIMONY. A LAWYER WOULD ASSIST PLAINTIFF IN PRESENTATION OF EVIDENCE AND THE CROSS-EXAMINATION OF OPPPOSING WITNESSES.

(6.) PLAINTIFF HAS MADE REPEATED EFFORTS TO OBTAIN A LAWYER. ATTACHED TO THIS MOTION ARE LETTERS FROM LOCAL CIVIL RIGHTS LAWYERS AND LEGAL SERVICES IN REQUEST FOR REPRESENTATION BY PLAINTIFF.

WHEREFORE, PLAINTIFF REQUEST THAT THE COURT APPOINT COUNSEL TO REPRESENT HIM IN THIS CASE. APPOINTMENT OF COUNSEL, TRIAL BY JURY.

RESPECTFULLY SUBMITTED THIS 10 DAY OF MAY 2007

Lannie Hope #181215-L6-1A
P.O. BOX 150

MT. MEIGS ALABAMA 36057

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE FOREGOING HAVE BEEN SERVED ON THE FOLLOWING:

C/O: THE CLERK:

UNITED STATES DISTRICT COURT

P.O. BOX 711

MONTGOMERY, ALABAMA 36101-0711

AND

ALABAMA DEPARTMENT OF CORRECTIONS

LEGAL DIVISION

P.O. BOX 301501

MONTGOMERY, ALABAMA 36130

By placing copy in the U.S. mail postage pre paid on this day of MAY 10 2007

RESPECTFULLY SUBMITTED
Laurie Hope #181215-L6-1A
P.O. BOX 150
MT. MEIGS AL 36057

- MR. WILLIAM R. MURRAY
- ATTORNEY AT LAW
- MURRAY LANE
- NORTHPORT ALABAMA 35475

3/2/07

- DEAR MR. MURRAY

- I'M WRITTING TO YOU IN REQUEST TO OBTAIN YOUR ASSISTANCE
- WITH REPRESENTATION IN A CIVIL CASE. THIS CLAIM VIOLATION OF
- EIGHTH AND FOURTEENTH AMENDMENT OF US CONSTITUTION AND
- RETALIATION OF ALABAMA DEPARTMENT OF CORRECTION ASSOCIATED
- FACILITIES, STEMMING FROM U.S. SUPREME COURT RULING OF "HITCHING
- POST CASE 2002.

- I'VE BEEN IN SEGREGATION SINCE LAST SEEING YOU IN 2003.
- AT ST. CLAIR. I'M NOW HOUSED AT KILBY CORRECTIONAL FACILITY IN THE
- SEGREGATION UNIT. I'VE ALREADY DRAWN UP MY COMPLAINT AND IN
- THE PROCESS OF PROVIDING ALL DOCUMENTS IN THE DISTRICT COURT
- FOR THE MIDDLE DISTRICT OF ALABAMA.

- YOUR RESPOND WILL HELP ME IN TAKING NECESSARY STEPS IN
- OBTAINING ASSISTANCE. YOUR RESPOND WILL ALSO HELP ME IN REGARD
- TO SHOWING THE COURT I'VE MADE AN EFFORT IN REGARD TO OBTAINING
- REPRESENTATION IF NEEDED TO FILE FOR APPOINTMENT OF COUNSEL.
- GOD BLESS YOU.

SINCERELY, P.O. BOX 150
Laurie Hope MT MEIGS AL
#181215 36057

WILLIAM R. MURRAY
ATTORNEY AT LAW

MURRAY LANE
NORTHPORT, ALABAMA 35475-4325

Phone: (205) 339-7080
No FAX/E-mail Accepted
Without prior agreement

Friday, March 9, 2007

**Mr. Larrie Hope
181215 L-5-1A
P.O. Box 150
Mt. Meigs, AL 36057**

Re: Your note of March 2, 2007 (Enclosed)

Dear Mr. Hope:

- 1. Thank you for your note, which is returned herewith.**
- 2. At the age of 73, I am in the process of retiring and am not taking on any more cases not involving unusual circumstances.**
- 3. Why are you not requesting assistance regarding your placement in segregation with the attorneys who represented you in the "hitching post" litigation?**
- 4. The prison authorities most likely have well-documented reasons for retaining you in segregation. You will have an uphill battle. Most Courts grant substantial deference to prison determinations relating to housing and classification.**
- 5. You failed to state why you have been kept in segregation, and whether you are in "Administrative" or "Disciplinary" segregation. There are substantial differences.**
- 6. Because you may not have access to relevant Administrative Regulations, I'm enclosing the following:**

Page 1 of 2

"Render therefore unto Caesar the things which are Caesar's, and unto God the things that are God's." Matt. 22:21; Mark 12:17; Luke 20:25 (KJV)...

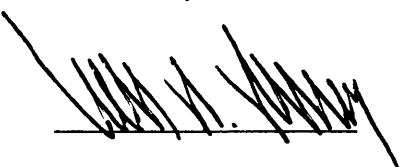
- a. AR-433: Administrative Segregation (Jan. 7, 2003) and
- b. AR-434: Disciplinary Segregation (Dec. 22, 2004)

7. Be absolutely sure that you have “proof” that prison officials cannot support their decisions to place you into segregation, or to keep you there so long. Are you absolutely sure that you have not caused a “problem” in general population? Are they trying to safeguard or protect you from other inmates or someone? Don’t presume that you are “right” and they are “wrong.” The Court will not take your word over that of prison officials.

5. While I cannot represent you, I hope that you are successful in your lawsuit alleging retaliation.

Sincerely,

Encl: AR-433 (12 pages)
AR-434 (12 pages)

A handwritten signature in black ink, appearing to read "William R. Murray", is written over a horizontal line. The signature is somewhat stylized and includes a flourish at the end.

William R. Murray


ALABAMA STATE BAR

415 Dexter Avenue Post Office Box 671 Montgomery, Alabama 36101
Telephone: 334 / 269-1515 Fax: 334 / 261-6310
www.alabar.org

March 30, 2007

Mr. Larrie Hope #181215
P.O. Box 150
Mt. Meigs, AL. 36057

Dear Mr. Wyckoff:

The Lawyer Referral Service can refer you to **one** attorney who **may** be able to advise or assist you with your legal problem. You may wish to contact the attorney listed below. We are sorry for the delay in our response, for we have had a large volume of requests.

Mr. Jim DeBardelaben
P.O. Box 152
Montgomery, AL. 36101

Please be aware that the purpose of the Lawyer Referral Service is to assist in referring an attorney who may be able to advise or assist with a particular legal problem. After an initial consultation fee of possibly \$25.00, the attorney may then charge at his/her normal rate. You should discuss fees with the attorney.

You may also wish to obtain a referral online at www.alabar.org.

We hope this information will be of some help to you.

Sincerely,

Lawyer Referral Services

Jim L. DeBardelaben

ATTORNEY AT LAW

1505 Madison Avenue, 36107
Post Office Box 152
Montgomery, AL 36101-0152
(334) 265-9206 • Fax (334) 265-9299
E-Mail: jimdebard@aol.com

April 16, 2007

Mr. Larrie Hope
P.O. Box 150
Mt. Meigs, Alabama 36057

Dear Mr. Hope:

I am in receipt of your letter of April 2, 2007. Due to my case load I am unable to take on any cases at this time especially a Federal Case because it takes so much time. I truly hope that you are able to find someone who has enough time to dedicate to this case.

Sincerely,



A handwritten signature in black ink, appearing to read "Jim L. DeBardelaben". The signature is fluid and cursive, with a long, sweeping line extending from the left side.

Jim L. DeBardelaben

JLD.dg

JOHN C. TAYLOR
" and Counselor at Law

SECRET

539-8880

JOHN C. TAYLOR
Attorney and Counselor at Law
401 Madison Street
Huntsville, Alabama 35801

Also admitted in New Jersey
elawfirm@gmail.com

TELEPHONE (256) 539-8880
FACSIMILE (256) 417-6399

Mailing Address
Post Office Box 72
Huntsville, AL 35804-0072

April 27, 2007

Larrie Hope
AIS # 181215 L-6-1A
Kilby Correctional Facility
P. O. Box 150
Mt. Meigs, Alabama 36057

Re: Your correspondence

Dear Larrie:

I am unable at this time to represent you in this matter. I am returning your picture in case you need it to send to another attorney to see if he/she can represent you in this matter.

Very Truly Yours,
JOHN C. TAYLOR



Attn: Mrs. Horner

Lannie Hoye
1342, P.O. Box 150
Post Office Box 150
Mt. Meigs, AL 36057

Dear Mrs. Horner:

I am writing in response to your letter to me concerning State Bar volunteer Lawyer Program. As I believed I explained in my last letter, that this program nor the Legal Services programs in the state handle criminal cases, except for those conditions of arrest or confinement. For that reason, I do not believe I am qualified for service through Legal Services Alabama.

This program does not cover criminal cases. However, if you contact Legal Services Alabama, Legal Services Alabama is a non-profit corporation that receives federal grant money to provide free legal services to low income individuals in Alabama. If you wish to complain about the services or the amount of money received from the corporation you could contact the Executive Director of Legal Services Alabama, Melissa Denning, 205 1st Avenue North, Suite 1200, Montgomery, AL 36104 or the chair of the Client Relations Committee of Legal Services Alabama's Board, Linda Henderson, P.O. Box 687, Tuskegee, Alabama 36087. You could also contact your local United States Congressman.

The only additional suggestion I have for you to obtain legal representation would be for you to do 1) hire your own attorney or 2) contact the Southern Poverty Law Center and request their assistance. I do not know if the Southern Poverty Law Center handles your type of case but it is the only other organization that I know of that might be able to assist you. You can contact the Southern Poverty Law Center at 800-555-4646, Montgomery, AL 36102-2087.

I hope this information is helpful to you.

Very truly yours,
John L. Hoye

John L. Hoye
Alabama State Bar Lawyer



U.S. Department of Justice

Civil Rights Division

168-02-0/266229

Special Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530

April 12, 2007

Larry Hope
181215
Alabama State Prison
P.O. Box 150
Mount Meigs, AL 36057

Dear Mr. Hope:

Thank you for your correspondence. Under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, the Special Litigation Section of the United States Department of Justice has authority to investigate complaints concerning conditions in state or locally-operated institutions. These institutions include, but are not limited to prisons, jails, mental retardation/developmental disability facilities, juvenile facilities, mental health, and publicly-operated nursing homes. When a systemic "pattern or practice" of the deprivation of constitutional or statutory rights is determined to exist, we have the authority to initiate civil action in the name of the United States against state or local officials to remedy such conditions.

The Section's authority does not extend to investigating the personal grievances of a single individual. Moreover, the Section is not authorized to represent individual citizens in legal matters or to give them legal advice. Therefore, we are unable to provide you with legal opinions or assistance with personal lawsuits or legal matters. However, if you wish to pursue this matter further, you might consider contacting a private attorney or a legal services lawyer. This individual may assist you in determining what, if any, remedies may be available to you.

We will consider your letter carefully along with other information we may receive to determine whether a pattern or practice investigation is warranted. If you have additional details that you believe may be relevant to our review, we would appreciate it if you would forward that information to us.

We hope this information is useful. For additional information, you may want to review our website:

<http://www.usdoj.gov/crt/split/index.html>

Sincerely,


Anthony Njoku
Special Litigation Section
Civil Rights Division

LARRIE Hot
P.O. BOX 150
Mt. Meigs, ALABAMA 36057



OFFICE OF THE CLERK:
United States District Court
P.O. Box 711
Montgomery, Alabama 36104-0711